



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Cabinet

6 February 2024

Report of Councillor Phil Dilks, Cabinet Member for Housing and Planning

Regulation 18 Draft Local Plan Consultation

Report Author

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Purpose of Report

The purpose of this report is to recommend the Council continues to prepare a new Local Plan for South Kesteven and agrees to consult on its Regulation 18 Draft Local Plan for a minimum period of six weeks.

Recommendation

It is recommended Cabinet:

1. Approves the consultation of the Regulation 18 Draft Local Plan (Appendix A) in accordance with the timetable contained within the Council's Local Development Scheme (approved by Cabinet May 2023).
2. Delegates authority to the Assistant Director of Planning, in consultation with the Cabinet Member for Housing and Planning, to make any minor, inconsequential amendments to the document (in order to correct matters of fact or aid clarity to the reader) prior to its publication for consultation purposes.

Decision Information	
Is this a Key Decision?	Yes
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing that meets the needs of all residents; Growth and our economy; healthy and strong communities; clean and sustainable environment.
Which wards are impacted?	All

1. Implications

1.1 Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

1.2 The cost of undertaking the Local Plan is included within the approved budget for the current financial year. The financial implications associated with future years will be considered as part of the Council's budget setting process.

Completed by: Alison Hall-Wright, Deputy Director (Finance & ICT) and Deputy S151 Officer

Legal and Governance

1.3 The current system of plan making is contained in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 supported by the National Planning Policy Framework and Planning Practice Guidance.

1.4 In carrying out the Regulation 18 consultation, the council must comply with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012, in particular Regulation 18 and with the consultation requirements set out in its Statement of Community Involvement.

1.5 Following completion of the Regulation 18 consultation process, the draft Local Plan Update shall be prepared and publicised in accordance with the requirements of

Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 prior to being submitted for independent examination.

- 1.6 Any Plan that is submitted for independent examination will be assessed as to whether it has been prepared in accordance with the legal and procedural requirements, and whether they are 'sound' as set out in paragraph 35 of the NPPF.

Completed by: Mandy Braithwaite, Legal Executive

Risk and Mitigation

- 1.7 The preparation of a Local Plan is a statutory requirement. Whilst the Council currently has a Local Plan which was adopted in January 2020, a review is required to ensure that the Local Plan accords with the most recent National Planning Policy Framework and to address key issues.

Completed by: Tracey Elliott, Governance and Risk Officer

Diversity and Inclusion

- 1.8 Equality considerations are taken into account throughout the development of the Local Plan. This is reflected in the equality impact assessment that accompanies this report.

Completed by: Carol Drury, Community Engagement Manager

Climate Change

- 1.9 The district of South Kesteven both contributes to the effects of climate change through carbon emissions and is impacted at a local level by a changing climate. The Draft Local Plan is able to comprehensively influence both areas regarding new development and infrastructure for the district.
- 1.10 A Climate Change study has been commissioned to accord with the NPPF regarding the consideration of design principles for energy efficiency (domestic and non-domestic); design principles for climate resilient buildings; embodied carbon and waste; water efficiency; and renewable energy.
- 1.11 Following the conclusion of the first iteration of this work, a Written Ministerial Statement was published on 13 December 2023 by the Government regarding energy efficiency standards and ability of planning authorities in this area, as such the climate change study and resultant policy recommendations are being reviewed.

Completed by: Serena Brown, Sustainability and Climate Change Officer

2. Background to the Report

- 2.1 The Council's Vision is to "be the best district in which to live, work and visit". The Local Plan and planning have a key role to play in realising this vision. Housing that meets the needs of all residents is a key priority for South Kesteven District Council (SKDC). As detailed in the Corporate Plan (2020-2023), the Council considers high quality housing as essential for all and is committed to working with partners to provide this. Delivering the growth of the economy and building healthy and strong communities are also key themes in the Corporate Plan, these are integral to the Council's Local Plan and delivering sustainable development.
- 2.2 The Council is currently preparing a new Corporate Plan, a consultation on which was launched in November 2023. The emerging Corporate Plan seeks to ensure a sustainable district, enabling economic opportunity and high-quality affordable housing. The emerging Local Plan will be an important tool in realising the Council's ambition.

What are Local Plans?

- 2.3 In England, the 'plan-led' approach to the regulation of land and development places local plans at the heart of the town and country planning system. Under this system, local plans form part of the statutory 'development plan' for an area. This forms the starting point for the determination of planning applications unless material considerations indicate otherwise.
- 2.4 Chapter three of the 2023 National Planning Policy Framework (NPPF) sets out requirements for preparing a Local Plan which each local planning authority is expected to prepare, either singly, or jointly with other authorities. Local Plans should be in conformity with the policies contained within the NPPF.
- 2.5 The 2004 Planning and Compulsory Purchase Act places a duty on local authorities to carry out plan-making, with the "*...objective of contributing to the achievement of sustainable development.*"
- 2.6 The Planning Act (2008) puts an additional obligation on plan-making authorities to ensure their development plan documents (taken as a whole) include policies that are "*...designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.*"

Stages of Local Plan Preparation

- 2.7 The NPPF requires Local Plans to be succinct and up-to-date providing a positive vision for the future of the area and a framework for addressing housing needs and other economic, social and environmental priorities. The Local Plan is a platform for

local people to shape their surroundings. The preparation of a Local Plan typically follows several regulatory stages.

2.8 The Local Development Scheme document provides a project plan identifying which local development documents will be produced, in what order and when. It outlines the details and timetable to produce all documents which make up the Local Plan. The Council's approved Local Development Scheme was approved by Cabinet and published in May 2023 and includes the following timeline for Local Plan preparation:

2.9

Local Plan Review Stage	Proposed Date
Commencement of Document Preparation	April 2020
Issues and Options + Call for Sites Consultation (Regulation 18)	Completed: 12 October – 23 November 2020
Draft Consultation on Local Plan Review (Regulation 18)	Winter 2023/24
Pre Submission Consultation (Regulation 19)	Summer 2024
Submission to the Secretary of State (Regulation 22)	Winter 2024
Public Examination (Regulation 24)	Winter 2024/25 – Winter 2025/26
Inspector's Report (Regulation 25)	Winter 2026/26
Adoption (Regulation 25)	Spring 2026

2.10 The Local Plan is currently at stage 3 of the table above. It is important to note, however, as the Council published an Issues & Options Local Plan in 2020, Regulation 18 has already been met. It is, however, best practice to publish a draft plan seeking engagement from the community, developers and stakeholders.

Regulation 18 Draft Local Plan

2.11 For ease of reference, the Local Plan adopted in January 2020 will be referred to as the 'adopted Local Plan', and the emerging Regulation 18 Draft Local Plan will be referred to as the 'Draft Local Plan' (**Appendix A**).

2.12 The Draft Local Plan has been prepared in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 which requires local planning authorities to notify prescribed bodies or persons of the subject of a local plan and invite representations to the local planning authority about what a local plan ought to contain.

2.13 Policy M1 of the adopted Local Plan requires the Council to undertake a Local Plan Review to address specific matters including:

- Taking account of the latest National Planning Policy Framework;
- The assessment of housing needs and future requirement for employment land; and

- Further assessment of the needs of the Gypsy & Traveller Community, including Travelling Showpeople, and the need to allocate land to meet identified needs.

2.14 To meet the requirement of the NPPF and policy M1 of the adopted Local Plan, evidence-based studies have been commissioned including: a Local Housing Needs Assessment, an Employment Land Study, and a Gypsy & Traveller Accommodation Needs Assessment. The Local Plan's emerging evidence base is published on the Council's website, as it becomes available via the following link:

<https://www.southkesteven.gov.uk/planning-building-control/planning-policy-local-plans/local-plan-review>

2.15 The new NPPF was published in December 2023 and includes updates to calculating housing need and demonstrating a 5-year housing land supply. Upon submission to the Secretary of State, the Local Plan will be in accordance with the most recent version of the NPPF.

2.16 The Local Plan review rolls the Local Plan period forward by five years from 2036 – 2041 to ensure the Local Plan covers a 20-year period (2021 – 2041).

2.17 Since the adoption of the Local Plan, the Government has changed the method for calculating housing need. Unless exceptional circumstances can be demonstrated, local authorities must use the Government's 'Standard Method' as an advisory starting point to calculate local housing need. In accordance with the 2023 NPPF, the Draft Local Plan has used the Government's Standard Method to calculate local housing need and concludes how much development land will be required to meet the additional housing need up to 2041. A Local Housing Needs Assessment has been undertaken which identifies local housing needs for specific community groups.

2.18 Due to the change in calculating housing need, South Kesteven's need has increased from 650 dwellings per annum as set out in the adopted Local Plan, to 701 dwellings per annum.

2.19 An Employment Land Study has been produced which sets out the district's employment land requirement up to 2041 and assesses the quantity and quality of existing and proposed employment sites.

2.20 Housing and employment allocations are proposed in the Draft Local Plan, which includes current allocated sites, where they remain developable.

2.21 All employment and housing sites have been assessed using a robust site assessment method, the results of which are included within a site assessment report which will be published alongside the Draft Local Plan. The sites have also been assessed through a Sustainability Appraisal and Habitat Regulations Assessment which will be published alongside the Draft Local Plan.

2.22 The Draft Local Plan seeks to consult the public and stakeholders on:

- The district's development need (including housing and employment);
- Proposed housing allocations to meet the identified need;
- Which policies the Council intends to amend through the Local Plan Review to accord with the most recent NPPF and review policy M1 of the adopted Local Plan;
- Proposed new policies; and
- Policies to be removed.

2.23 The following proportionate evidence base will also be published alongside the Draft Local Plan:

- Draft Climate Change Study including preface detailing the 13 December Written Ministerial Statement
- Local Housing Needs Assessment
- Employment Land Study
- Open Space, Sports & Recreation Study
- Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment
- Site Assessment Report
- Village Services & Facilities Audit
- Biodiversity Opportunity Mapping
- Green Infrastructure Mapping
- Whole Plan Viability Assessment

2.24 Other evidence which is being produced to inform the emerging Local Plan and will be published as it becomes available is:

- Strategic Flood Risk Assessment
- Water Cycle Study
- Play Pitch Strategy
- Infrastructure Delivery Plan
- Gypsy, Traveller and Travelling Showpeople: Meeting the identified accommodation need.

2.25 A snapshot of proposed changes to the adopted Local Plan, as reflected in the Draft Local Plan, can be found at **Appendix B**.

2.26 An equality impact assessment (EIA) is an evidence-based approach designed to help organisations ensure their policies, practices, events and decision-making processes are fair and do not present barriers to participation or disadvantage any protected groups. An equality impact assessment can be found at **Appendix C**.

2.27 The Local Plan review seeks to integrate climate change mitigation and adaptation within objectives and policies, in line with the Climate Change Act 2008, the National Planning Policy Framework and South Kesteven District Council's Climate Change Strategy.

2.28 To inform the emerging Local Plan, a Climate Change Study was completed in December 2023 and includes several renewable energy and energy efficiency recommended policies. On 13 December 2023, the Government published a [Written Ministerial Statement](#) which casts doubt on the ability of Local Plans to require local energy efficiency standards to be better than current building regulations. Due to this uncertainty, the Climate Change Study will be reviewed, including the policy recommendations therein. Further viability work will also be undertaken to underpin the Climate Change Study. The Regulation 18 Draft Local Plan therefore does not include climate change policy at this consultation stage.

2.29 In addition to the Local Plan, the Council will also publish the following documents for consultation:

- Digital Policies Maps
- Sustainability Appraisal
- Habitat Regulations Assessment

2.30 Aligned with the first consultation stage of the Local Plan in 2020 (Issues & Options), the Council launched a Call for Sites consultation which sought development land to meet the need identified in the Local Plan, including residential, employment and Gypsy & Traveller. Due to receiving limited land for potential Gypsy & Traveller sites through the call for sites exercise, the council is launching a second call for sites consultation exercise specifically seeking land (including opportunities to extend existing Gypsy & Traveller sites) to meet the need identified in the 2023 Gypsy & Traveller Accommodation Needs Assessment. The consultation will be targeted at the district's Gypsy & Traveller community, as well as landowners.

Sustainability Appraisal

2.31 Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out an appraisal of the sustainability of the proposals in each of its development plan documents. A report of the findings of the appraisal must also be prepared. Incorporating requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, the Sustainability Appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues.

2.32 A Sustainability Appraisal will be published alongside the Draft Local Plan consultation, and each subsequent stage of plan preparation.

Habitat Regulations Assessment

2.33 Under the Conservation of Habitats and Species Regulations 2017 (as amended) Councils must demonstrate through a Habitat Regulations Assessment that its Local Plan proposals will not have a significant adverse effect on sites designated under the European Directive (92/43/EEC The Habitats Directive) for their wildlife importance. These sites are known as 'Natura 2000' sites and include Special Areas of Conservation (SAC); Special Protection Areas (SPA); and Ramsar Sites (wetland sites).

2.34 A Habitat Regulations Assessment will be published alongside the Draft Local Plan consultation, and each subsequent stage of plan preparation.

Next Steps

2.35 The next steps are:

- To publish the Draft Local Plan in accordance with the Statement of Community Involvement for six weeks.
- Once consultation is complete, prepare a Consultation Statement detailing comments received and the Council's response, including how the consultation comments will be taken into account as the next version of the plan (pre-submission) is prepared.
- Publish the Statement of Community Involvement on the Council's website.

2.36 Taking into account consultation comments received on the Draft Local Plan and any further evidence produced, changes will be made to the emerging Local Plan, as appropriate and published through the next stage of Local Plan consultation: Regulation 19 Pre-Submission Local Plan, in accordance with the Local Development Scheme.

2.37 The Pre-Submission Local Plan (Regulation 19), is scheduled to be published in Summer 2024 for consultation, after which a decision will be made by the Council whether to formally submit the Plan to the Secretary of State for examination.

3. Key Considerations

3.1 The Council has a legal responsibility to prepare a Local Plan under the Planning and Compulsory Purchase Act 2004. Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 requires various bodies and stakeholders be notified the council is preparing a plan and invites them to comment on what the plan ought to contain. Whilst the Council has already discharged its obligations under Regulation 18 through the issues and options consultations, it is best practice to carry out a further consultation before the Pre-Submission Local Plan is drafted.

4. Other Options Considered

- 4.1 The alternative of not publishing a Draft Local Plan has been discounted. Whilst the Council has already discharged Regulation 18 of the Town and Country Planning Act (Local Planning) (England) 2012 by publishing the Issues & Options, it is best practice to keep the community informed and to seek comment, as the plan evolves.
- 4.2 Publishing the Draft Local Plan will also ensure that Local Plan stays on track and adheres to the timetable set out in the Council's Local Development Scheme.

5. Reasons for the Recommendations

- 5.1 The reason for the recommendation is to ensure the Council has an up-to-date, legally compliant Local Plan and meets the agreed timetable.

6. Consultation

- 6.1 Local Planning Authorities are required to produce a Statement of Community Involvement (SCI) under section 18 (part 2) of the Planning and Compulsory Planning Act 2004.
- 6.2 South Kesteven Local Plan's SCI was published in 2021 and sets out how the community, businesses and other with an interest in the development of the district can engage with the planning system. This includes the preparation and revision of Development Plan Documents (DPDS) (commonly referred to as Local Plans).
- 6.3 The SCI outlines how organisations and individuals can be involved in the plan making process. It also sets out standards and arrangements as to how the Council will consult and report back to those engaged in the process.
- 6.4 The consultation of the Draft Local Plan will be undertaken in accordance with the 2021 SCI.

7. Background Papers

- 7.1 *Local Development Scheme 2023-2026*, published May 2023 and available online at:
<https://www.southkesteven.gov.uk/sites/default/files/2023-08/Local%20Development%20Scheme%202023-2026.pdf>
- 7.2 *Statement of Community Involvement 2021*, available online at:
<https://www.southkesteven.gov.uk/sites/default/files/2023-08/Final%20SCI%202021.pdf>
- 7.3 *Planning – Local Energy Efficiency Standards Update – Statement* made on 13 December 2023, available online at:

<https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hlws120>

8. Appendices

- 8.1 Appendix A: Regulation 18 Draft Local Plan – available online at
<https://moderngov.southkesteven.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13923>
- 8.2 Appendix B: Table of proposed changes to the Local Plan
- 8.3 Appendix C: Equalities Impact Assessment